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EXAMINER	
D'AGOSTINO, PAUL ANTHONY	
ART UNIT	PAPER NUMBER
3714	

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12/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/629,110	BLOCK ET AL.	
	Examiner	Art Unit	
	Paul A. D'Agostino	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7/29/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/03/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This responds to Applicant's Arguments/Remarks filed 11/03/2008. Claims 1 and 9-10 are amended and Claims 15-18 have been newly added. Claims 1-18 are now pending in this application.

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-11, 15-16, and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,319,125 to Acres (Acres).

In Reference to Claims 1, 6, 8-9, 15-16, and 18

Acres discloses a system and method of communication in a gaming network (Fig. 5 "bonusing promotion system" 350 with “bonus server” 351 also referred to as “bonus server” 370 in Fig. 35) having a central server linked to a plurality of gaming terminals ("bonus promotion system 350 includes a bonus server 351 which is the central control point for each of the bonus promotions" Col. 17 Lines 20-21 and “the bonus promotion system uses a bonus server interconnected to a plurality of gaming devices” Col. 1 Lines 18-19), the method comprising:

receiving a primary {one or more} event message{s} ("the individual components of system 350 communicate with the bonus server 351 (370 in Fig. 35) via messages exchanged as data packages." Col. 27 Lines 25-27) in a routing queue of the central server {in the central server} from one of the plurality of gaming terminals (Fig. 35

message queue 372 receives messages from gaming machine MCI 356 via "Bank Roller" 355 and "Concentrator" 352; see also Figs. 31-34 for specific types of messages e.g. L and Q from gaming machine to the bonus server queue);

identifying, an event type and a queue identifier using an association data structure and message oriented middleware, a first {at least one, a plurality of} application queue{s} associated with a first {second, one or more} application (RRM 373 routes messages to the queues for the CSM 380, BCM 378, and MCM 376 event managers via {each respective} message queues 375, 377, and 379 Col. 31 Lines 1-59) configured to process {to receive} the primary {secondary, received one or more} event message{s} {in each respective application queue} using {the central server including} an association data structure (Fig. 35 and "Within the bonus server 370, messages are passed for communicating information and revising status indicators." Col. 31 Lines 1-12; each of the CSM, BCM, and MCM uses an association data structure whereby they each "access stored configuration values 382 for the bonus server 370 through the configuration data control module 381." Col. 31 Lines 13-59 and further, each access the bonus pool values and previous meters 384 through a pool data control module 383 Fig. 5 and Col. 31 Lines 13-59), the association data structure using a relational database (relational database implicitly disclosed wherein Figs. 2A-2N teach of "A configuration workstation 359 is used to monitor, configure and modify bonus parameters on the bonus server 351. FIGs. 2A through 2N show screen images for configuring the bonus promotions of the present invention using the configuration workstation 359." Col. 18 Lines 14-18);

storing an association of the primary event message to at least {one} the first {second} application queue{s} (Col. 31 Lines 13-15 wherein the RRM 373 is configured to control the interfacing of the bonus server with the other event managers); and

transmitting the received primary event message to the identified first {at least one} application queue (Col. 31 Lines 13-59) for processing (method performs this intended use; Col. 31 Lines 13-59).

Alternatively, if Applicant does not agree with Examiner's reading of Acres with regards to the association data structure and event types and queues using a relational database, then Examiner reasonably believes that Acres teaches of a product that appears to be the same as, or an obvious variant of, the product set forth in product-by-process claims of Applicant although produced by a different process (In re Marosi, 710 F.2d 799, 218 (Fed. Cir. 1983) and In re Thorpe, 777 F. 2d 695, 227 USPQ 964 (Fed. Cir. 1985); MPEP 2113 wherein" [E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) (citations omitted).

In Reference to Claim 2

Acres discloses retrieving the primary event message from the first application

queue with the first application and processing the primary event message with the first application (Figs. 35 and 37-40 wherein in the case of the CSM of Fig. 38 “During each iteration of the loop (blocks 412-417), the routine waits for a message queue event to occur, that is, a new message arriving in the message queue 379 (block 412). If the message queue event is a configuration message (block 413), the routine reads the message queue 379 (block 414) and processes the message (block 415).” Col. 32 Lines 25-31; see also Col. 32 Lines 59-65; and Col. 33 Lines 26-33).

In Reference to Claim 3

Acres discloses generating a secondary event message from the processing of the primary event message (Fig. 31 wherein as a result of primary messages in the queue regarding the status of the cash pool, “When the bonus pool 304 substantially equals the cash bonus 307, a sequence of data packets is exchanged as follows." Col. 28 Lines 16-18; hence, a plurality of secondary messages are exchanged (Col. 28 Lines 16-48 and Fig. 31 letters A-R);

transmitting the secondary event message to the routing queue of the central sever (Col. 28 Lines 16-48);

identifying, a second application queue associated with a second application configured to process the secondary event message using the association data structure, the association data structure storing an association of the secondary event message to the second application queue; and transmitting the secondary event message to the identified second application queue (See rejection of Claim 1).

In Reference to Claim 4

Acres discloses further including executing the first application on a secondary server in communication with the central server ("Fig. 5 shows a functional block diagram of a bonus promotion system 350 according to the present invention. The system 350 includes a bonus server 351 which is the central control point for each of the bonus promotions except the multiple jackpot 310. The bonus server 351 tracks cash-in for the bonus pool 304 and hidden pool 306 and determines the appropriate time at which to award each bonus prize. In the described embodiment, a single bonus server 351 controls all progressive jackpots 309. Second and third bonus servers 351 respectively control the car mystery and cash mystery variants of the participation bonuses 308. A fourth bonus server 351 controls the cash bonus 307. Since the multiple jackpot 310 is initiated at random times by insertion of a special card in a bank controller 355, no bonus server 351 is dedicated to controlling the multiple jackpot 310." Col. 17 Lines 18-33)

In Reference to Claim 5

See rejection of claims 1-4.

In Reference to Claim 7

Acres discloses identifying, using the second event message, the gaming terminal that generated the primary event message (when awarding a cash prize, the updated meter data (second event message) indicates which game machines 300 are

eligible for a cash award (primary event message). Bonus server 370 then indicates which one is the winner from those eligible (Col. 28 Lines 16-48).

In Reference to Claim 10

See rejection of claims 1 and 3.

In Reference to Claim 11

Acres discloses message queuing and a store-and-forward mechanism (messages are received temporarily by the RRM 373 and sent to other event managers Col. 31 Lines 13-59).

6. Claims 12-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,319,125 to Acres (Acres) in view of U.S. Patent No. 6,289,382 to Bowman-Amuah (Bowman-Amuah).

In Reference to Claims 12, 14, and 17

Acres discloses a system substantially equivalent to Applicant's claimed invention wherein Acres discloses that messages are prioritized by the MCI (Col. 48 Lines 48-56) but fails to explicitly disclose wherein messages in the queue are prioritized to guarantee adequate response time for a critical application at the expense of a less important application; and wherein a standardized interface language includes an extensible markup language (XML).

Bowman-Amuah teaches of prioritizing messages in message queues as to routing (Col. 84 Lines 31-37), prioritizing data traffic (Col. 88 Lines 1-3), data prioritization ("various network components can be configured to prioritize their handling of specified types of traffic" with improved network performance but no guarantee or at the expense of the quality of service (Col. 89 Lines 13-29). To ensure reliable queuing wherein "Both the application and the administrator can control the order of the messages (service requests) in the queue. Messages can be ordered LIFO, FIFO, time based, priority, or by some other combination of these keys." Col. 93 Lines 48-55) in order to optimize performance (i.a., delay, reliability) (Col. 84 Lines 31-37).

Separately, Bowman-Amuah teaches of using XML (Col. 41 Lines 1-40) in order to allow authors to create their own customized tags to identify different types of data on their web pages (Col. 41 Lines 10-12) and more effectively index and search for information in databases (Col. 41 Lines 13-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the prioritization and XML language as taught by Bowman-Amuah into the teachings of Acres in order to ensure reliable queueing and optimize performance and to allow authors to identify different types of data on their web pages and more effectively index and search for information in databases, respectively.

In Reference to Claim 13

Acres as modified by Bowman-Amuah discloses the primary event language is

formatted using a standardized interface language ("FIG. 35 shows a method for controlling a bonus promotion according to the present invention using the bonus server 370 of FIG. 5. In the described embodiment, the method is embodied as a computer program implemented in the C programming language, although other computer languages are equally suitable." Col. 30 Lines 65-67 and Col. 31 Lines 1-5).

Response to Arguments

7. Applicant's arguments filed 11/03/2008 have been fully considered but they are not persuasive. Applicant' argues (see Applicant's Arguments/Remarks page 7-9), that Acres fails to disclose identifying using an association data structure a first application queue associated with a first application configured to process the primary event message using a relational database and further that Acres does not use an association structure but an address structure. Examiner respectfully disagrees and has provided a detailed mapping of the process used by Acres in the rejection of the claims. In the rejection of claims, Acres discloses the routing of event messages to their respective data queues based on logic and decision rules which identify the type of event. Alternatively, Examiner contends that Applicant's claimed invention is obvious in light of Acres by claiming the same result as Acres but by using an equivalent process. Thus, the rejection of the claims is maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

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